

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LIQIANG WEI,

Plaintiff,

vs.

JIAZHONG SUN, ET AL.,

Defendants.

CASE NO. 18-cv-02136-YGR


**ORDER DISMISSING FOR FAILURE TO  
PROSECUTE**

Re: Dkt. Nos. 1, 13

By Order issued June 19, 2018, plaintiff was directed to file, no later than July 6, 2018, an explanation as to why the above-captioned matter should not be dismissed for failure to prosecute in light of plaintiff's failure to file an amended complaint by June 12, 2018, as ordered by the Court on May 15, 2018.<sup>1</sup> (*See* Dkt. No. 10.) On July 2, 2018, the Court received correspondence from plaintiff indicating, in effect, that he could not file an amended complaint at this juncture and was "waiting for [the Court's] dismissal of [his] case without prejudice" after which he would file a new action at some future time. (Dkt. No. 12.) Accordingly, having failed to pursue this action, and pursuant to Federal Rule of Civil Procedure 4(m) this action is **DISMISSED WITHOUT PREJUDICE**.<sup>2</sup>

**IT IS SO ORDERED.**

Dated: June 3, 2018

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

<sup>1</sup> The Court has determined that the Order to Show Cause and plaintiff's subsequent response is appropriate for decision without oral argument, as permitted by Civil Local Rule 7-1(b) and Federal Rule of Civil Procedure 78. *See also Lake at Las Vegas Investors Group, Inc. v. Pacific Malibu Dev. Corp.*, 933 F.2d 724, 729 (9th Cir. 1991). Accordingly, the hearing set for July 6, 2018 **VACATED**.

<sup>2</sup> On July 2, 2018, plaintiff filed a Motion for Permission for Electronic Case Filing. (Dkt. No. 12). In light of this Order dismissing the above-captioned action, plaintiff's Motion for Permission for Electronic Case Filing is **DENIED AS MOOT**.